

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

GINA TORRES, ET AL.

Plaintiffs,

vs.

CITY OF ST. LOUIS, ET AL.

Defendants.

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Case No. 4:19-CV-1525-DDN

**PLAINTIFFS' MOTION FOR LEAVE TO
SUBMIT EXHIBIT UNDER SEAL**

COME NOW Plaintiffs and for Plaintiffs' Motion for Leave to Submit Exhibit under Seal, state as follows:

1. Defendants filed their Motion for Summary Judgment on March 13, 2020. Doc. 65. In doing so, Defendants submitted the vast majority of the exhibits to their Motion for Summary Judgment under seal. See Doc. 68. Defendants assert that they do so "out of an abundance of caution" that there may be an active investigation of the officers in this case by the Circuit Attorneys Office, without presenting any evidence of any such investigation. See Id. The killing of Isaiah Hammett that is the subject of this action occurred some two years ago, on June 7, 2017, and no charges have ever been brought against any of the Officer Defendants.

2. There is currently no protective order in this case as to any document other than the Affidavit in Support of Search Warrant. See Doc. 49. An agreed protective order has been submitted to the Court which has not yet been approved. See Doc. 102.

3. Notably, Defendants have filed numerous documents under seal which are improper under the terms of the agreed-upon protective order. For example, Defendants have submitted all deposition testimony under seal, despite the fact that the protective order only permits

specific testimony to be designated as confidential and requires Defendants to notify Plaintiffs as to each such confidentiality designation. See Doc. 102-1, para. 5.

4. Nevertheless, because one of Plaintiffs' exhibits was marked "Confidential" when it was produced by Defendants, because the propriety of that designation has not been resolved pursuant to the agreed-upon protective order, and "out of an abundance of caution" Plaintiffs respectfully request leave to have Exhibit 2 submitted under seal.

5. By filing this motion, Plaintiffs do not concede that Defendants' confidentiality designations are appropriate. They are not. Plaintiffs are simply seeking to comply with the terms of the protective order that the parties agreed to.

6. For the above reasons, Plaintiffs respectfully request that the Court grant Plaintiffs leave to submit Exhibit 2, an Event Information documenting Plaintiff Dennis Torres' 911 call, under seal.

WHEREFORE Plaintiffs respectfully request that the Court grant Plaintiffs leave to submit Exhibit 2 under seal and for any other relief the Court deems just and proper, the premises considered.

Respectfully submitted,

DOWD & DOWD, P.C.

By: /s/ Richard K. Dowd
Richard K. Dowd (33383)
Alex R. Lumaghi (56569)
211 N. Broadway, Suite 4050
St. Louis, MO 63102
(314) 621-2500
(314) 621-2503 Facsimile
rdowd@dowdlaw.net
alex@dowdlaw.net

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that the above motion was electronically filed this 2nd day of June, 2020 and a copy was served by the Court's electronic delivery system on all attorneys of record.

/s/ Richard K. Dowd